



Entered on Docket
October 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Objection Of USACM
Trust To Proof Of Claim Based Entirely
Upon Investment In The Bundy Canyon
(\$1 Million) Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the “Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Bundy Canyon (\$1 Million) Loan, [DE 8680] (the “Objection”); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the partial disallowance of Proof of Claim 10725-00403 filed by Duane U. Deverill Trustee of the Nevada Freedom Corp.,

1 (“Deverill”) Claim does not affect Deverill’s right to repayment by the borrower or from
2 the collateral securing the Bundy Canyon (\$1 Million) Loan; and good cause appearing:

3 **IT IS ORDERED:**

- 4 1. The Objection [DE 8680] is sustained; and
5 2. The Deverill claim No. 10725-00403 is hereby 80% disallowed and 20%
6 allowed because the claim is based entirely upon an investment in the Bundy Canyon (\$1
7 Million) Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker (AZ #018024)

13 Robert M. Charles, Jr.

14 John Hinderaker (*pro hac vice*)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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